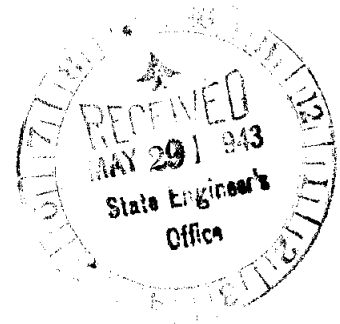


J. D. SKEEN E. J. SKEEN
LAWYERS
SALT LAKE CITY, UTAH

413 Utah Oil Building

May 28, 1943

State Engineer's Office
State Capital Building
Salt Lake City 1, Utah



Dear Sir:

Simon Hugentobler, of Salt Lake, is the owner of 70 acres of land located on Thistle Creek near the Utah and Sanpete County lines. 55 Acres of this land has been irrigated from Thistle Creek since the original settlement of the valley. A decree adjudicating these waters was made on September 28, 1894, again on May 6, 1920, and the land was sold under a decree specifically including the 55 acres of primary water on December 3, 1936.

There is litigation pending in Sanpete County involving the stock of the Indianola Irrigation Company, but in all of the pleadings, this specific right is referred to and acknowledged. In the pleading of the Indianola Irrigation Company, the ownership of the water right is specifically alleged and it is stated to be 55/1728 of all the water of Thistle Creek.

Some water is used from Thistle Creek on the Utah County side of the line, and apparently, the lower users and the Indianola Irrigation Company agreed upon a division of the water but left the rights of Simon Hugentobler out of the agreement. As a result, as above observed, all water users from the stream recognized the right, but Hugentobler notwithstanding is unable to get the water. We have, therefore, a case where the owner is directly deprived of his rights through inefficient administration of the stream. Mr. Hugentobler's tenant on the ground has been unable to get any water this year, and his crops are greatly in need of irrigation. Andrew T. Hartley of Indianola will confer with the commissioner and will take the water when adjustments are made for Mr. Hugentobler.

Will you kindly give this matter your immediate attention.

Respectfully,

JDS:eu

A handwritten signature in dark ink, appearing to read 'JDS Skeen', written in a cursive style.